

2004 Legislative Session Update



Senator Don Carlson

49th Legislative District

February 2004

Dear Friends,

The 2004 Legislature convened Jan. 12 for a 60-day session. Even though it's a "short session," legislators face several important issues. These include crafting and passing a supplemental operating budget, finding an alternative to Washington's endangered blanket primary if the U.S. Supreme Court overturns it, making the state's jobs and business climate better, improving K-12 and higher education, and capping noneconomic damage awards for medical malpractice lawsuits (tort reform).

As chair of the Senate Higher Education Committee, I will continue my efforts to make Washington's colleges and universities more accessible and to find solutions to retain affordable tuition programs for students and families.

Inside this newsletter you will find the results from the survey that I sent to 49th Legislative District residents around Thanksgiving. Thanks to those of you who took the time to fill out and return the survey. I've carefully read the results and all of the written comments that accompanied so many of the returned surveys. I appreciate your ideas and suggestions.

If you have any questions or comments about the issues before the Legislature this session, or if you have an idea for a bill, please let me know.

As always, it is a privilege and honor to serve as your state senator.

Sincerely,

A handwritten signature in cursive script that reads "Don Carlson".

DON CARLSON

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Legislative information

on the Internet:

www.leg.wa.gov

Access Washington

Web site:

<http://access.wa.gov>

Senate committees:

- Higher Education, chair
- Education
- Children and Family Services and Corrections
- Ways and Means

Other committees:

- Western Interstate Commission on Higher Education, chair
- Select Committee on Pension Policy

Oral History Review Board

- Washington Institute for Public Policy Board

Important note: Due to election-year restrictions, I'm permitted to send only two newsletters to constituents this year. This is the first of the two newsletters. However, I'm allowed to send this newsletter via e-mail and not have it count as a separate mailing. For those who received my e-mail updates last year, I can only send you this update, plus my post-session review this spring. For those who receive this newsletter via both e-mail and regular mail, I apologize for duplicating my efforts.

Supplemental budget: Holding the line on spending



One of the tasks this session (but not a requirement) is to craft and pass a supplemental operating budget. The supplemental budget makes adjustments to the original two-year budget passed the previous year. Gov. Locke unveiled his supplemental budget proposal in December.

While I'm pleased that his spending plan calls for an additional \$30 million to be spent on higher education, I have two major concerns with his proposal. First, it calls for about \$300 million in increased spending without reducing spending elsewhere to offset the spending increase. This only adds to the projected \$1.5 billion shortfall facing the state in 2005. Second, his proposal would spend two-thirds of the state budget reserve fund, leaving the state with only a \$172 million reserve balance. Traditionally, an operating budget leaves about 5 percent in reserve in case an emergency arises, such as floods or fighting wildfires. The governor's supplemental budget leaves only 2 percent in reserve. A downturn in the state revenue forecast this year

could drain the reserve account. His budget plan puts the state in a very risky position. Many legislators will oppose his proposal for these reasons.

Over the next few weeks, the Legislature will craft its own supplemental budget plan. I hope — and expect — that the supplemental budget approved by the Legislature is more financially responsible than the governor's plan.

Blanket primary alternative likely will be needed

Washington's popular blanket primary system is in big trouble. Last fall, the 9th U.S. Circuit Court of Appeals recently ruled against our blanket primary, in which voters are free to vote for one candidate from any party in each race on the ballot. Many suspect that if our blanket primary is brought before the U.S. Supreme Court, it will be ruled unconstitutional since it struck down California's similar primary a few years ago.

Because of fear that Washington's blanket primary will be overturned before next September's primaries, the Legislature this session likely will adopt an alternative. At this point, two potential alternatives are being considered.

One is a "modified blanket primary" similar to a primary system pioneered in Louisiana. Secretary of State Sam Reed proposed the modified blanket primary in late December. Under this plan, voters can vote for candidates of any party for each office. Ballots are secret and no record of the voter's choice can be recorded. Under this primary, the top two vote getters

in a primary move to the general election ballot regardless of party affiliation. In other words, potentially two from the same party could advance to the general election. Voters wouldn't be required to register with any party under this plan. According to Reed, our state uses a similar system to elect more than 5,000 nonpartisan officials in odd-year primaries.

The other alternative being considered is called "open primary, private choice." This system, used in Montana and some other states, requires voters to choose only one party's ballot, with no record kept of which ballot the person takes and no requirement to register with a party. This system ensures that one candidate from each major party advances to the general election. Gov. Locke has endorsed this possible alternative.

I plan to support the modified blanket primary, especially since my recent survey showed that respondents prefer the modified blanket primary by a 2-1 margin over the open primary, private declaration system.

Improving jobs/business climate continues to be key issue

Last year, the Legislature took positive steps to improve Washington's jobs and business climate, which in turn should help our state economy. However, there are other business climate issues that should be addressed:

Workers' compensation reform.

The Department of Labor and Industries recently imposed a 9.8 percent average rate increase in its workers' compensation

premiums for employers and workers for 2004. This is on top of the 29 percent average rate hike that L&I imposed for 2003. These extra costs on businesses and workers come at a time when the economy is finally showing signs of improving. Such increases likely will stunt job growth. A measure (ESSB 5378) is being pushed in the Senate this session to reform the state's workers' comp system so it becomes more stable and certain. I support this proposal.

Extending tax credits for high-tech R&D. In 1994, the Legislature enacted tax incentives for high-tech companies doing research and development on products. Since then, high-tech employment has more than doubled, from under 40,000 to 80,000. The tax incentives are set to expire this year. It's very important to maintain these tax incentives so our high-tech industry can continue to grow and produce innovative products. However, I believe that an accountability component should be included that requires such companies to prove that more jobs will be created thanks to these tax incentives. The Legislature included accountability provisions for the tax incentive packages for Boeing and WaferTech, so it's only fair to do the same for high-tech companies.

Improving higher education remains important goal

Until recent years, attending a public college or university in our state was a very reachable dream. Access wasn't a problem since plenty of enrollment slots were



available, and tuition costs were affordable. Unfortunately, this scenario no longer exists. Due in large part to a decline in state funding for higher education, tuition costs have skyrocketed to make up the funding difference. Meanwhile, we've seen a sharp rise in the number of people wanting to attend college. Due to budget constraints, some institutions actually have been forced to turn away prospective students.

As chair of the Senate Higher Education Committee, I'm committed to finding solutions to the state's access and tuition problems. It's important to note that citizens eventually might be forced to choose between one of these two options: 1) higher taxes to provide the necessary funding to maintain both strong access and high quality in our colleges and universities; or 2) substantial tuition increases, which would place an additional financial burden on students and their families.

The League of Education Voters is proposing the creation of the Education Trust Fund, known as the P-16 initiative (preschool through four years of college). This possible initiative might propose a 1 percent sales-tax increase to raise \$1 billion annually for educa-

tion. If the Legislature doesn't approve this measure, word is that proponents will attempt to put it on the state ballot this November.

I want to mention two higher education-related bills that I've introduced this session:

SSB 5139 addresses remedial education in colleges and universities. Under the revised measure, schools must communicate to students and parents the importance of the courses that students take throughout high school so they are prepared for the entrance exam to enter college. By 2007, students need to realize the potential cost they could pay themselves if they don't meet these college entrance exam requirements.

SB 6129 alters the membership of the state Higher Education Coordinating (HEC) Board. This measure would require that the superintendent of public instruction and one representative each from the state's research universities, regional institutions and the State Board for Community and Technical Colleges be members on the HEC Board.

Key K-12 bills to be considered again

There is a group of four K-12 education bills that came close to being passed by the Legislature last year, but when legislators left Olympia for the year, none of them had been approved. Proponents for each of the four bills say all four must pass, or none will. Here they are:

Levy reallocation. This bill (ESB 6094, which I prime-sponsored) seeks to change the school district levy base calculation. For purposes of calculating levy authority in the

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2004 and 2005 calendar years, a school district's levy base is increased by the difference between the district's actual state and federal revenues and the revenues the district would have received if its basic education allocations had been based on the highest salaries for state allocation purposes for certified instructional staff, certified administrative staff and classified staff.

Creating charter schools. In authorizing the creation of these small, independent schools that are operated with public money, 2ESSB 5012 would require 60 percent of the 70 charter schools authorized over the next six years to serve educationally disadvantaged students or students from poorly performing schools.

Changing Learning Assistance Program. This bill (ESHB 1989) refocuses the LAP to encourage the use of assessment data in program design and promote more effective programs for struggling students.

Modifying WASL requirements.

This bill (2SHB 2124) clarifies the content areas of the Washington Assessment of Student Learning that high school students must pass in order to graduate and the dates that those content areas become required for graduation.

Simple majority for school levies

Last year, the House passed a measure (HCR 4204) allowing school levies to pass with a simple majority instead of the current 60 percent supermajority but it stalled in the Senate. The measure would apply to school levies only, not bonds. If passed by the Legislature, the proposal would be placed on the statewide ballot as an amendment to the state constitution.

Bill sponsored to deal with Senate confirmation of appointees

Under a bill (SB 6137) that I've sponsored, if a gubernatorial appointee

subject to Senate confirmation isn't confirmed by our chamber by the end of the second regular session after his or her appointment, the appointee loses that position.

Moving WSU extension facilities to WSU-V campus

I'm monitoring the possible movement of the WSU extension facilities from its current 78th Street location to the WSU-Vancouver campus, thus allowing multiuse options for the 78th Street site, including a community center with a possible swimming pool.



Sen. Don Carlson in committee hearing

Presession survey results

Thanks to those of you who completed and returned my presession survey. My office received nearly 1,200 responses. Below are the survey results. If you have questions or comments about the results, let me know.

Issues

1. Which of the following issues do you feel are most important for the Legislature to address during the 2004 session? (Results are for respondents' No. 1 issue.)

Economy and jobs	46.45 percent
Health care	27.24 percent
Public schools	20.27 percent
Taxes	20.05 percent
Drugs and crime	14.76 percent

Environment	10.30 percent
Growth management	8.91 percent
Transportation	7.82 percent
Social issues	5.9 percent
Colleges and universities	4.9 percent

Budget

2. In 2003, the Legislature used the Priorities of Government (POG) approach introduced by Gov. Locke

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Presession survey results (continued from previous page)

to address the \$2.6 billion budget deficit without any general tax increase. The POG process meant ranking programs based on need. This resulted in a budget that lived within the state's means and delivered services based on priority without using a tax increase.

Should the Legislature continue to use the POG approach in crafting future operating budgets?

Yes 86.3 percent

No 13.7 percent

3. Should we re-enact the state spending limit that was created in 1993 when Washington voters passed Initiative 601 (which limits growth in the general fund budget to increases in population and inflation without a supermajority vote of the Legislature)?

Yes 61.56 percent

No 38.44 percent

Education

4. Should students who fail to pass an entrance exam for college be expected to pay for the remedial classes if within five years of receiving their high school diploma?

Yes 71.5 percent

No 28.5 percent

5. School districts across the state use the Washington Assessment of Student Learning (WASL) exam to test fourth, seventh and 10th grade students in math, reading, writing and listening skills. Should individual students, their parents and their teachers be allowed to see the WASL exam results?

Yes 94.46 percent

No 5.54 percent

6. There are more people seeking access into colleges and universities in Washington than available enrollment slots. Should the state's colleges and universities be allowed to raise tuition so they can meet growing demand and continue to provide high-quality education to students?

Yes 52.53 percent

No 47.47 percent

7. Before this year, only the University of Washington and Washington State University could offer electrical engineering degrees. The 2003 Legislature passed a bill allowing all Washington colleges and universities to offer engineering programs as long as the Higher Education Coordinating Board approves the request. Should other colleges and universities in our state be allowed to offer degrees currently offered only by the UW and WSU?

Yes 90.54 percent

No 9.46 percent

Elections

8. The 9th U.S. Circuit Court of Appeals recently ruled against Washington's popular 68-year-old blanket primary, in which voters are free to vote for one candidate from any party in each race. Many suspect that if our blanket primary is brought before the U.S. Supreme Court, it will be ruled unconstitutional. Because of fear that our blanket primary will be overturned before next September's primaries, the Legislature likely will adopt an alternative to the blanket primary. Following are two alternatives that are similar to proposals that were considered but not approved by the Legislature in 2001. These two alternatives are the most commonly discussed replacements for the blanket primary. If the U.S. Supreme Court rules that our blanket primary is unconstitutional, which of these alternatives would you favor?

A. A "modified blanket primary" in which the top two vote getters in a primary move to the general election ballot regardless of party affiliation. Under this primary system, the ballots contain candidates from all parties. Voters can vote on candidates of any party for each office. Ballots are secret and no record of the voter's choice can be recorded. This system most closely resembles our current primary in offering wide choice, but it would be possible for two Republicans or two Democrats, or an independent, to wind up in a general election. **62.17 percent**

B. An "open primary, private declaration" primary in which voters privately choose a major party's ballot before they cast their vote; their choice of ballot is not recorded. Under this system, there is no party affiliation. This system requires voters to choose one party to affiliate with, but only for the moment they are voting. This system ensures that one candidate from each major party advances to the general election. This system respects a voter's privacy, but limits his or her choices to one party. **30.06 percent**

C. Other alternative. **7.77 percent**

9. The Legislature was set to meet for a brief special session in early December to suspend the state's presidential primary election since the primary costs \$6 million to run and the results won't have any impact on the Republican or Democratic nominations

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Presession survey results (continued from previous page)

in 2004. Do you agree it's a good idea for the Legislature to suspend the state's 2004 presidential primary?

Yes **82.03 percent**

No **17.97 percent**

Transportation



10. Last spring, the Legislature approved a 10-year, \$4.2 billion transportation funding package that included a 5-cent increase in the state gas tax. Money from the gas tax increase goes into a "Nickel

Fund" and is spent on specific projects on a list created by the Legislature. Do you approve of a "specific project list" approved by the Legislature?

Yes **41.71 percent**

No **20.85 percent**

Too early to tell **37.44 percent**

11. The state Transportation Commission is expected to ask the Legislature to ban the use of studded tires on Washington roads and highways, arguing that studded tires cause great damage to pavement. Do you think studded tires should be banned in our state?

Yes **66.34 percent**

No **33.66 percent**

Health care

12. Medical malpractice premiums have skyrocketed in recent years, causing some doctors to reduce their business hours and other doctors to close their practice altogether. Have you or any of your relatives or friends been affected by a shortage in a doctor's business hours or by fewer practicing doctors in an area?

Yes **24.47 percent**

No **75.53 percent**

13. Small group insurance premium prices have risen steadily in recent years largely because small group plans are required to carry certain types of coverage regardless of whether such coverage is needed. Would you favor allowing a variety of options by insurance carriers in Washington state?

Yes **85.98 percent**

No **14.02 percent**

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